IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 23rd May, 2006
Bail Application No. 439 of 2006

Order on the bail application of accused.

CRIMINAL SIDE

Ashraf S/o Yusuf
R/o Village – Kakrauli,
Police Station – Kakrauli
District – Muzaffar (U.P.) …..….Applicant

Versus

State of Uttaranchal ……..Opposite Party

In Case Crime No. 1259 of 2006
U/s 302, 201 I.P.C.
Police Station – Kashipur
District – Udham Singh Nagar

Hon'ble J. C. S. Rawat, J.

Heard Sri Navneet Kaushik-learned counsel for the applicant, learned AGA for the State and perused the record.

It is alleged that the dead body of the deceased was recovered on 20.03.2006 and thereafter report was lodged u/s 302/201 I.P.C. in the police Station wherein it was alleged that one Suleman who was brother of the complainant used to work as a contractor in Shri Shyam Paper Mill for picking Maily and alongwith him Smile and Amanulla used to work. The body of the deceased was found lying under the tank of pump pit. Prior to the contract, Suleman, Ashraf had a contract of picking up Maily. The said contract was handed over to Suleman on the recommendation of the complainant with Managing Director and since then Ashraf was harboring rivalry with the deceased. Several times, he threatened the deceased. Amanulla had stated in his statement recorded u/s 161 that he had seen the present applicant on the date of the incident near the deceased-Suleman aiding and assisting one another person who was carrying iron rod and assaulted the deceased with the said iron rod. The statement reveals that the said murder was committed at the instance of Ashraf as such, the accused-applicant is the master mind of the said offence.

Considering the facts and circumstance of the case in totality, it is not a fit case for bail at this stage.

Accordingly, the bail application is rejected.

(J.C.S. Rawat, J.)

Dated 23.05.2006
Shiv